

**MEMO ENDORSED**

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December 4, 2023

**VIA ECF**

Jessica G. L. Clarke, United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1040  
New York, NY 10007

**Re: *Vlado v. CMFG Life Insurance Company*, Index No. 23 Civ. 3234**

Judge Clarke:

The obvious pattern that has emerged in discovery with CMFG in this action is for opposing counsel to promise responses to Plaintiff's discovery requests without committing to any deadlines and then to fail to follow through, thereby running out the clock on discovery. CMFG's belated supplemental response letter, dated December 1, 2023 (ECF No. 43) submitted in the wake of the discovery dispute letter filed earlier the same day (ECF No. 42 (the "Discovery Dispute Letter")) is yet another example of this. Given the belated timing of CMFG's submission, we write to request that the Court disregard it.

This Court's individual practice rules set forth a clear and rigorous procedure for addressing and presenting discovery disputes to the Court, which include scheduling a meet-and-confer call to discuss disputes, filing joint submissions to address them, and providing opposing parties 72-hours advance notice to provide input on such submissions. Plaintiff's counsel has repeatedly discussed these procedures with CMFG's counsel. Inexplicably, but consistent with its track record of delay in this action, CMFG's counsel ignored Plaintiff's latest outreach efforts, including by denying Plaintiff's counsel even the basic courtesy of responding to his written and telephonic communications reiterating the submission deadlines and requesting a status update. Then, after failing to respond, CMFG subverted the procedures of this Court by submitting, without any prior notice, a supplement to the Discovery Dispute Letter that is not only untimely but also fails to commit to any deadlines for pending disclosures. If CMFG is permitted to proceed in this fashion, without deadlines and in disregard of Court procedure, the timely completion of discovery in this action will be impossible. Accordingly, Plaintiff respectfully requests that CMFG's supplemental submission be disregarded, and that the relief requested in the Discovery Dispute Letter be granted in full (except with respect to Part C of the Letter, which is now moot

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following CMFG's belated production, on December 1, 2023, of documents called for by Plaintiff's May 25, 2023 document requests).

Respectfully submitted,

By: /s/ Eyal Dror  
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*Attorneys for Plaintiff*

CMFG shall produce agent identifying information, *see* ECF Nos. 42-43, no later than December 11, 2023. The parties shall confer about a date for the 30(b)(6) deposition by the same deadline. To the extent that deposition occurs the week of January 8, 2024 and Plaintiff requires further fact discovery as a result of that deposition thereafter, Plaintiff may request a short extension of the discovery deadline. All other issues appear moot.

The Clerk of Court is directed to terminate ECF No. 42-43.

SO ORDERED.



JESSICA G. L. CLARKE  
United States District Judge

Dated: December 4, 2023  
New York, New York